

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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No. 04-CR-10065-MLW

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UNITED STATES

v.

CLARENCE EARLE

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**DEFENDANT'S MOTION TO SUPPRESS STATEMENTS**

Pursuant to Rule 12(b)(3)(C) of the Federal Rules of Criminal Procedure, the defendant Clarence Earle, aka Theodore Wilson, moves the Court for an order suppressing all statements he allegedly made in response to questioning by ICE Special Agent Eric LaForte following Earle's arrest on November 6, 2003, and in response to questioning by ICE Special Agent Richard Coleman following Earle's arrest on February 12, 2004. In support of this motion, the defendant states that, according to the Affidavit of Clarence Earle, filed herewith, the defendant was not warned in accordance with Miranda v. Arizona, 384 U.S. 436, 479 (1966), and Dickerson v. United States, 530 U.S. 428, 438-40 (2000), and the self-incrimination clause of the Fifth Amendment. A memorandum of law is submitted herewith.

**REQUEST FOR EVIDENTIARY HEARING**

The defendant requests that the Court conduct an evidentiary hearing on this motion because its resolution depends on whether the Court credits the government's contention that the statements in question were made after the defendant was given his Miranda warnings.

Respectfully submitted  
The defendant Clarence Earle  
By his attorney

/s/

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